

REMARKS

Claims 22-27, 29, 31, 33-34 have been amended. Claim 21 has been canceled and claims 35-43 have been added. Accordingly, claims 22-43 are currently pending in the application, of which claims 33 and claim 39 are independent. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification. The table below shows where representative support for claim amendments exists in the specification.

Claims	Representative Support
23-27, 29, 31, 33-34	Clerical corrections
35-43	Page 15, line 21 – Page 16, line 19

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §112

Claims 21-34 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the term “structural portion” recited in claim 21 was identified as being indefinite. Claim 21 has been cancelled. Accordingly, Applicant submits that this rejection is now moot. Applicant respectfully requests withdrawal of the 35 U.S.C. §112, second paragraph rejection.

Rejections Under 35 U.S.C. §102

Claims 21-28, and 34 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,656,238 issued to Rogers. ("Rogers"). Claim 21 has been canceled and claims 22-28 and 34 are now dependent upon claim 33. Claim 33 has been rewritten in independent form and was not rejected under this cited rejection. Accordingly, Applicant respectfully submits that this rejection is now moot. Applicant respectfully submits that the combination of elements recited in claim 33 of "an insulating core comprising carbon foam, an oxidation inhibitor incorporated into said carbon foam, and an antioxidant protective layer on a surface of the carbon foam" is not recited in Rogers. Accordingly, Applicant respectfully submits that claim 33 and all the claims that depend therefrom are not anticipated by Rogers.

Claims 21 and 29-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 5,626,977 issued to Mayer. ("Mayer"). Claim 21 has been canceled and claims 29-30 are now dependent upon claim 33. Claim 33 has been rewritten in independent form and was not rejected under this cited rejection. Accordingly, Applicant respectfully submits that this rejection is now moot. Applicant respectfully submits that the combination of elements recited in claim 33 of "an insulating core comprising carbon foam, an oxidation inhibitor incorporated into said carbon foam, and an antioxidant protective layer on a surface of the carbon foam" is not recited in Mayer. Accordingly, Applicant respectfully submits that claim 33 and all the claims that depend therefrom are not anticipated by Mayer.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claims 21-30, and 34.

Rejections Under 35 U.S.C. §103

Claims 31-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of U.S. Patent No. 4,221,092 issued to Johnson ("Johnson") further in view of U. S. Patent No. 4,598,007 issued to Kourtides, *et al.* ("Kourtides"). Applicants respectfully traverse this rejection and request reconsideration for at least the following reasons. Roger is disqualified as prior art under 35 U.S.C. § 103(c).

Under 35 U.S.C. § 103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. *See* MPEP 706.02(l)(1)-(2). Rogers qualifies as a reference under 35 U.S.C. § 102(e).

Based on MPEP 706.02(l)(2), applications and references are to be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Statement of Common Ownership

The undersigned represents that the claimed invention and U.S. Patent No. 6,656,238 were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Touchstone Research Laboratories, Ltd.

Since Rogers qualifies as prior art under 35 U.S.C. §102(e) and since the present invention and Rogers were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Touchstone Research Laboratories, Ltd, Applicant respectfully requests that Rogers be is disqualified as prior art against the present application.

Applicant respectfully submits that the remaining combination of Johnson and Kourtides fail to provide the specific combination of features recited in independent claim 33. In particular, Applicant submits that the combination of Johnson and Kourtides fail to provide the combination of “an insulating core comprising carbon foam, an oxidation inhibitor incorporated into said carbon foam, and an antioxidant protective layer on a surface of the carbon foam.”

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 31-33.

Added Claims

New claims 35-38 are dependent claims directed to additional features of the invention claimed in claim 33. New independent claim 39 was added which is substantially similar to previous claim 31 written in independent form. Claims 40-43 are directed to additional features of the invention claimed in claim 39

Extension of Time

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith extending the period for response through June 6, 2007. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If

extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that further fees for net addition of claims are required at this time. The fee for an additional 2 dependent claims is electronically submitted herewith. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 50331.

Conclusion

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this Reply the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

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Philip D. Lane
P.O. Box 79318
Charlotte, NC 28271-7063
Tel: 704-301-5007
Fax: 704-843-2318